

WC 06-2

DOCKET FILE COPY ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

DEC 23 2005

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Request of Limited Modification of ) File No.  
LATA Boundaries to Provide ELCS )  
Between the Pine Hill Exchange )  
and the Nacogdoches Exchange. )

PETITION OF AT&T INC FOR MODIFICATION  
OF A LATA BOUNDARY IN TEXAS

I. INTRODUCTION

AT&T Inc.,<sup>1</sup> on behalf of Southwestern Bell Telephone, L.P. d/b/a SBC Texas (SBC), pursuant to Section 3(25) of the Communications Act of 1934, as amended,<sup>2</sup> and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,<sup>3</sup> hereby submits an application for a limited modification of LATA boundaries to provide Expanded Local Calling Service (ELCS) between the Pine Hill and Nacogdoches exchanges in Texas.

II. SUPPORTING INFORMATION

As required by paragraph 23 of the aforementioned MO&O, SBC provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling Service;

<sup>1</sup> SBC Communications Inc. ("SBC"), on behalf of its incumbent local exchange affiliates, previously filed comments in this proceeding. SBC recently acquired AT&T Corporation and changed its name to AT&T Inc. Accordingly, this Reply is filed by AT&T Inc., on behalf of its incumbent local exchange carrier affiliates.

<sup>2</sup> The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

<sup>3</sup> *Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, Memorandum Opinion and Order, CC Docket No. 96-159, 12 FCC Rcd 10646 (1997).

2. Direction of service: Two-way;
3. Exchanges involved: Pine Hill in the Longview LATA and Nacogdoches in the Houston LATA;
4. Name of carriers: Eastex Telephone Cooperative, Inc., serves the Pine Hill exchange and SBC serves the Nacogdoches exchange;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers:  
The Pine Hill exchange has 708 access lines and the Nacogdoches exchange has 26,166 access lines;
7. Usage data: Usage data is not available to SBC. SBC does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Pine Hill customers returning ballots who voted in favor of ELCS to Nacogdoches: 85.80. Where SBC is the petitioning exchange, there is no proposed rate increase. Where SBC is not the petitioning exchange, SBC does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Interim Order. See Attachment A.
10. Map: See Attachment B; and
11. Other pertinent information: None

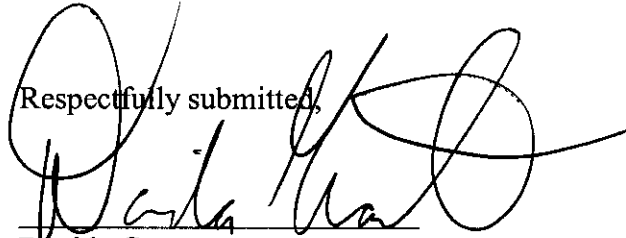
### **III. *PRIMA FACIE* SHOWING**

SBC believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines.

#### IV. CONCLUSION

Wherefore, SBC requests that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Pine Hill exchange and the Nacogdoches exchanges.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Davida Grant, is written over the "Respectfully submitted," text.

Davida Grant  
Gary L. Phillips  
Paul K. Mancini  
AT&T Inc.  
1401 I Street, N.W.  
Washington, D.C. 20005  
(202) 326-8800

Attorneys for Southwestern Bell Telephone, L.P.  
d/b/a SBC Texas

December 23, 2005

## **Attachment A**

DOCKET NO. 31428

2005 NOV 16 11:12:54

PETITION FOR EXPANDED LOCAL § PUBLIC UTILITY COMMISSION  
CALLING SERVICE FROM THE PINE HILL §  
EXCHANGE TO THE EXCHANGE OF § OF TEXAS  
NACOGDOCHES §

INTERIM ORDER

Findings of Fact

1. On April 20, 2005, subscribers of the Pine Hill Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Nacogdoches.
2. The processes for petitioning and balloting included notice that if service to the Nacogdoches Exchange is approved by ballot, an additional monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis would apply.
3. The Pine Hill Exchange is in the Longview Local Access and Transport Area (LATA) and is served by Eastex Telephone Cooperative, Inc. The petitioned exchange of Nacogdoches is in the Houston LATA and is served by Southwestern Bell Telephone Company d/b/a SBC Texas (SBC).
4. An affirmative vote of 85.80 percent of Pine Hill Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Nacogdoches Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. Utilizing vertical and horizontal (V&H) geographic coordinates of the central switching offices pursuant to 16 T.A.C. § 23.49(c)(3)(B)(i), the central office of the petitioned exchange of Nacogdoches is 34.80 miles from the petitioning exchange and the central office.

7. In addition to satisfying the geographic requirement of the Texas Public Utility Commission rules that the central switching office for a petitioned exchange be within 50 miles of the petitioning exchange, statements attesting to the existence of a community of interest between the petitioning and petitioned exchange were filed on April 20, 2005, for the petitioned exchange of Nacogdoches.

8. The Nacogdoches Exchange serves as a business center for the Pine Hill Exchange and provides medical facilities for Pine Hill residents. Specifically, Nacogdoches is used as a trade center for home garden, agri-business, machinery and other purposes. Furthermore, many residents of the Pine Hill Exchange are referred to medical specialists located in the Nacogdoches Exchange.

9. Based on the statement referenced in Finding of Fact No. 8, there is a community of interest between the petitioning Pine Hill Exchange and the petitioned exchange of Nacogdoches.

#### **Ordering Paragraphs**


In accordance with the findings of fact, the Commission issues the following Interim Order:

1. Petitioners from the Pine Hill Exchange have shown a community of interest with the exchange of Nacogdoches.
2. SBC is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24 by December 30, 2005.

3. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SBC is directed to file such Order or Notice in this project.

SIGNED AT AUSTIN, TEXAS the 16<sup>th</sup> day of November 2005.

PUBLIC UTILITY COMMISSION OF TEXAS

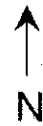
  
\_\_\_\_\_  
IRENE MONTELONGO  
ADMINISTRATIVE LAW JUDGE

q:\cadm\doCKET management\telephone\elcs\31xxx\31428int.doc

## **Attachment B**



Attachment B



Scale:  
1 inch = approx. 11 miles

